

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

RODNEY RIDGWAY,)
)
Plaintiff,)
)
vs.) Civil Action No. _____
HOME DEPOT U.S.A., INC.,)
)
Defendant.) **JURY DEMANDED**

DEFENDANT HOME DEPOT U.S.A., INC.'S
NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Defendant Home Depot U.S.A., Inc. (“Defendant”), who files this Notice of Removal on the basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332 *et. seq.*, 28 U.S.C. § 1441 *et. seq.*, and 28 U.S.C. § 1446 *et. seq.*, and would respectfully show the Court as follows:

1. Home Depot U.S.A., Inc. is the defendant in a civil action pending in Circuit Court of Boone County, Missouri at Columbia, entitled *Rodney Ridgway vs. Home Depot U.S.A., Inc.*; Case No. 19BA-CV05121 (hereinafter referred to as the “State Court Action”). An Index of State Court Action Documents Filed with the Notice of Removal is attached hereto as Exhibit “A,” and true and correct copies of all process, pleadings, and orders served upon Defendant in the State Court Action are attached hereto as Exhibit “B,” as required by 28 U.S.C. § 1446(a).

2. The State Court Action was filed on December 17, 2019. Home Depot U.S.A., Inc. was served with Plaintiff’s Petition for Damages on December 20, 2019. In his Original Petition, Plaintiff asserts a premises liability claim against Defendant, claiming that he tripped and fell and injured himself while descending a set of stairs located inside a display shed located in the parking lot of a Home Depot store. Plaintiff seeks damages for, among other things, medical, surgical,

therapeutic, rehabilitative, prescription and other expenses in an amount in excess of \$120,614.99. Thus, it is facially apparent from Plaintiff's Petition that Plaintiff is seeking damages in excess of \$75,000.00. This Notice of Removal, therefore, is timely filed within thirty (30) days of service of process of Plaintiff's lawsuit upon Defendant. *See* 28 U.S.C. § 1446(b).

DIVERSITY OF CITIZENSHIP

3. Plaintiff is and was at the time of the filing of this lawsuit a citizen of the State of Missouri.

4. Home Depot U.S.A., Inc. is and was at the time of the alleged incident and the filing of this lawsuit, a corporation incorporated under the laws of the State of Delaware with its principal place of business in Georgia. Home Depot U.S.A., Inc. is and was, therefore, a citizen of the State of Delaware and Georgia.

5. Consequently, the district courts of the United States have original jurisdiction over this action based on complete diversity of citizenship amongst and between the parties, in that Plaintiff and Defendant are now, and were at the time this action commenced, diverse in citizenship from each other.

6. Under 28 U.S.C. § 1446(a), venue of the removed action is proper in this Court as it is the district and division embracing the place where the State Court Action is pending.

7. Pursuant to 28 U.S.C. § 1446(d), Defendant will promptly give written notice of the filing of this notice of removal to Plaintiff and will further file a copy of this Notice of Removal with the Clerk of Boone County, Missouri, where the State Court Action was previously pending.

14. **Jury Demand** – Home Depot hereby requests trial by jury on all issues and claims in this action.

WHEREFORE, Defendant hereby removes the case styled *Rodney Ridgway vs. Home*

Depot U.S.A., Inc.; Case No. 19BA-CV05121, and respectfully requests that this Court assume full jurisdiction of this proceeding for all purposes as if originally filed in this Court, including but not limited to issuing any orders necessary to stay proceedings in the State Court Action.

Respectfully submitted,

/s/ Jane Ann Landrum

Jane Ann Landrum MO #37150
Evans & Dixon, L.L.C.
1100 Main Street, Suite 2000
Kansas City, MO 64105-5179
(816) 841-7501
Fax: (816) 884-4375
jlandrum@evans-dixon.com
ATTORNEYS FOR DEFENDANT
HOME DEPOT U.S.A., INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of January, 2020, the foregoing instrument was electronically filed with the Clerk of the Court and served upon all counsel of record via email.

/s/ Jane Ann Landrum
